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6 Attorney for plaintiff JERMAINE MONTIEL

**IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

2 JERMAINE MONTIEL, )  
3 v. ) Plaintiff, )  
4 OFFICER M. WILLIAMS, BADGE NO. 3751, )  
5 individually and in his capacity as a San Jose police )  
officer; SERGEANT C. SHEPPARD, BADGE )  
NO. 3125, individually and in his capacity as a )  
San Jose police officer and supervisor; OFFICER )  
HERNANDEZ, BADGE NO. 3898, individually )  
and in his capacity as a San Jose police officer; )  
OFFICER RODRIGUEZ, BADGE NO. 3087, )  
individually and in his capacity as a San Jose police )  
officer; JOHN DOE and RICHARD ROE, )  
individually and in their capacities as San Jose )  
police officers, the true names and exact numbers )  
of whom are unknown at this time; ROBERT )  
DAVIS, individually and in his capacity as Chief )  
of Police for the City of San Jose; CITY OF SAN )  
JOSE, a municipal corporation, )  
Defendants. )  
No. C 07 05490 JF  
STIPULATION AND  
[PROPOSED] ORDER  
AMENDING SCHEDULING  
ORDER.

4           **IT IS HEREBY STIPULATED** by and between the parties hereto through their respective  
5 attorneys of record that having met and conferred that the jury selection and trial dates in this matter  
6 be amended as follows:

1      Jury Selection: 15 October 2010 at 1:30 P.M.

2      Jury Trial: 18 October 2010 at 9:00 A.M. and thereafter.

3  
4 All other dates to remain unchanged.

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6 The grounds for this stipulation and order are that plaintiff's counsel is engaged in a major  
7 case involving significant injuries in the matter of *Koopen v. Aberle, et al.*, Alameda County Superior  
8 County case number HG06266136, and it is likely that this case will indeed be sent out during the  
9 time this matter is set for trial.

10  
11 Dated: 15 April 2010

**BOSKOVICH & APPLETON**

12  
13 /s/ Anthony Boskovich

By: \_\_\_\_\_  
14 ANTHONY BOSKOVICH,  
Attorney for Plaintiff

15  
16 Dated: 13 April 2010

**OFFICE OF THE CITY ATTORNEY**

17  
18 /s/ Michael Groves

By: \_\_\_\_\_  
19 Michael Groves  
Attorney for Defendants

20  
**It is so ordered:**

21  
22 Dated: 4/23/10

23  
24  
25  
26  
27  
28 The Honorable Jeremy Fogel  
Judge of the United States District Court